

PATENT COOPERATION TREATY

PCT



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 58184-3	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/CA 02/01475	International filing date (<i>day/month/year</i>) 30.09.2002	Priority date (<i>day/month/year</i>) 30.09.2002
International Patent Classification (IPC) or both national classification and IPC A47L25/00		
Applicant TACKY TOOLS INC. et al.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>
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<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 26.04.2004	Date of completion of this report 09.11.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Martin Gonzalez, G Telephone No. +49 89 2399-2154 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/CA 02/1475

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1-28 as originally filed

Claims, Numbers

1-48 as originally filed

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application; the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
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International application No. **PCT/CA 02/01475**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-8,11-13
Inventive step (IS)	Yes: Claims	
	No: Claims	9,10,14-22,24-36,40-42,48
Industrial applicability (IA)	Yes: Claims	1-48
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: WO 01/62132 A (PROCTER & GAMBLE) 30 August 2001 (2001-08-30)
- D2: US-A-4 990 192 (ALANIA LARRY J ET AL) 5 February 1991 (1991-02-05)
- D3: WO 99/60913 A (ENSSON LARS JOHNNY) 2 December 1999 (1999-12-02)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 1** is not new in the sense of Article 33(2) PCT.

Document D1 discloses

a cleaning device for picking up debris, comprising:

- (a) a support member 22, wherein the support member comprises a support surface 52;
- (b) a cleaning pad 44 having an attachment side and a substrate side, wherein the attachment side is releasably attached with the support surface and wherein the substrate side is adapted to accept an application of an adhesive material.

The cleaning pad 44 (fig. 2) or cleaning pads 1 (figs. 19-22) have two sides, an attachment side and a substrate side. Although the use of an applicator of adhesive material is not explicitly disclosed in D1, said pads are also suitable to receive an application of an adhesive material and therefore adapted to accept such an application of adhesive material. Hence, the cleaning device of D1 deprives claim 1 of the present application of novelty (see Guidelines C-III, 4.8).

- 2.1. Dependent **claims 2,11,12 and 13** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty. Document D1 also discloses the features of said claims.
- 2.2. In **claims 9 and 10** a selection of materials for the cleaning device of claim 1 is defined which comes within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of claims 9 and 10 lacks an inventive step.

- 2.3. The subject-matter of **claims 14-22** does not involve an inventive step in the sense of Article 33(3) PCT, and therefore the criteria of Article 33(1) PCT are not met.

An adhesive material with curing time less than 60 sec. and corresponding applicator is described in document D2 to be sprayed onto a cleaning pad (see column 2, lines 35-46) as providing the same improvements for picking up lint, hair or other particulate matter (see column 1, lines 65-68) as in the present application. The skilled person would therefore regard it as a normal option to include this feature in the cleaning device described in document D1.

- 2.4. Document D3 describes cleaning devices wherein the cleaning pad is attached to the support member using hook and loop surfaces. The cleaning pad used therein are also suitable to receive an application of adhesive material in the same sense as the pads of D1 (see point 1 above). The subject-matter of **claims 3-8** is therefore not new.

3. The same reasoning as for claim 14 (see point 2.3 above) applies, mutatis mutandis, to the subject-matter of **claims 24-31, 35,36,40-42,44,45 and 48** which therefore are also considered not inventive.

4. Document D3 describes cleaning devices wherein the cleaning pad is attached to the support member using hook and loop surfaces.

An adhesive material with curing time less than 60 sec. and corresponding applicator is described in document D2 to be sprayed onto a cleaning pad (see column 2, lines 35-46) as providing the same improvements for picking up lint, hair or other particulate matter (see column 1, lines 65-68) as in the present application. The skilled person would therefore regard it as a normal option to include this feature in the cleaning device described in document D3.

Hence the subject-matter of **claims 32-34 and 37** lacks an inventive step.